

MINUTES OF THE COMMISSION FOR HUMAN RIGHTS

March 28, 2014

A regular meeting of the Commission for Human Rights was held on Friday, February 28, 2014. Present at the meeting were Commissioners John B. Susa, Chair, Camille Vella-Wilkinson, Rochelle Bates Lee and Alberto Aponte Cardona, Esq. Absent were Commissioners Iraida Williams, Nancy Kolman Ventrone and Alton W. Wiley, Jr., Esq. The meeting commenced at 9:50 a.m.

Commissioner Vella Wilkinson moved to approve the minutes of January 17, 2014. The motion was seconded by Commissioner Aponte and carried.

Commissioner Lee moved to approve the minutes of February 28, 2014. The Motion was seconded by Commissioner Vella-Wilkinson and carried.

Status Report of Michael D. Évora, Executive Director

A written report was handed out. All new information is in bold print.

Case Production Report – Attached

Aged Case Report – No aged cases to report.

Outreach Report – Attached

STATUS REPORT – COMMISSIONERS

GENERAL STATUS:

Dr. Susa reported that he will not as available to conduct Commission work for a number of months due to volunteer work that he has agreed to do. Commissioner Wiley has informed Legal Counsel that family illness has recently prevented him from performing Commission work.

Commissioner Meeting -2- March 28, 2014

OUTREACH: Commissioner Vella-Wilkinson reported that she spoke to the West Bay CAP about ex-offenders regarding the Ban the Box Act. Commissioner Vella-Wilkinson reported that she testified on bill S2659 regarding foreclosure and just cause for eviction.

BFOQ: The Commission reviewed a request submitted by URI General Counsel Louis Saccoccio for certification of a bona fide

occupational qualification (BFOQ), that being a female for one Storekeeper position at the Keaney-Mackal equipment center and locker room in the Athletic Complex at URI is mandatory. Commissioner Lee moved that the Commission finds that the request falls within the categories for which a BFOQ might be certified and that the request should proceed to a public hearing on the question of whether a BFOQ should be certified. The Motion was seconded by Commissioner Vella-Wilkinson and carried.

STATUS REPORT – LEGAL COUNSEL: by Cynthia M. Hiatt and Francis Gaschen

Legal Counsel reported that Jim Angelo would like to address the Commission on the adverse impact on the elderly and persons with disabilities regarding the tax laws on condominiums. The Commissioners decided to get an outline from Mr. Angelo and have Dr. Susa review it to determine whether it is an appropriate topic for a Commission meeting.

Attorney Gaschen reported that on April 7, 2014 the Commission is presenting a Fair Housing Training on Predatory Lending in Newport at the Hyatt Hotel. This is an all-day presentation and is open to the public free of charge.

LITIGATION: Counsel and the Commissioners reviewed pending

litigation in which the Commission has a role.

LEGISLATION: Counsel and the Commissioners reviewed legislation relating to the Commission and civil rights.

Commissioner Meeting -3- March 28, 2014

REGULATIONS: Attorney Gaschen discussed the adoption of the proposed Regulations relating to the role of a Commission attorney in fair housing cases once probable cause has been found. The public hearing on the proposed regulations was held on January 17, 2014. Attorney Gaschen noted that the Commission had not received any public comments on the proposed regulation. Commissioner Aponte Cardona moved to adopt the regulation. The motion was seconded by Commissioner Vella-Wilkinson and carried.

DECISIONS: No Discussion at this time.

STATUS OF HEARING CASES/HEARING SCHEDULE: Discussed

The meeting adjourned at 11:25 a.m. The next regular meeting has been changed to Friday, April 18, 2014.

Respectfully Submitted,

**Michael D. Évora
Executive Director**

**Notes taken by B. Ross
EXECUTIVE DIRECTOR'S
REPORT TO COMMISSIONERS
28 March 2014**

I. BUDGET

S = State/General Revenue; F = Federal (EEOC/HUD); T = Total

	FY 2014	FY 2014	FY 2014	FY 2015	FY 2015	FY 2015
	(Enacted)	(Rev.Req.)	(Gov. Rec.)	(Unconstr.)	(Constr.)	(Recomm.)
S	1,150,785	1,150,785	1,146,066	1,184,229	1,095,286	1,193,083
F	308,638	318,987	317,367	303,788	318,035	287,096
T	1,459,423	1,469,772	1,463,433	1,488,017	1,413,321	1,480,179

The Commission's FY 14 (Revised) and FY 15 (Proposed) Budgets were submitted to the Governor on September 11. The submission included a Budget Impact Statement detailing the consequences to be realized should the seven percent general revenue decrease requested of all state agencies be implemented for the Commission [see Constrained Budget above].

The Governor has submitted his formal recommendation in respect to the Commission's FY 2014 budget, as noted above. In addition, he has submitted an FY 2015 recommended budget to the General Assembly. That budget, noted above, would fund the Commission at an unconstrained level for FY 2015 and would provide funding for the Commission's current staffing of 14.5 FTEs.

I submitted the Commission's FY 2014 Second Quarter Report to the state Budget Office on January 17. The Commission projected a slight surplus (\$4,719) in General Revenue and a slight deficit (\$8,729) in Federal Revenue, for an overall projected deficit at the close of FY 2014 of \$4,010.

The Commission's FY 14 and 15 budgets were heard by the House Finance Subcommittee on General Government on March 5. I

presented an overview of the Commission's accomplishments in FY 13. Chairperson Rep. Ferri congratulated the Commission on its receipt of the two HUD Partnership Grants, and he and Rep. Valencia commended the Commission on its success in decreasing both the case backlog and the time it takes to process cases.

On March 10, Rep. Ferri and Nobel Jeudy, House Fiscal Analyst, toured the Commission's facility.

II. FEDERAL CONTRACTS

EEOC – For federal FY 2012 (beginning October 1, 2011), according to EEOC Project Director Marlene Toribio, we closed 237 co-filed cases.

Our contract with EEOC for FY 2012 was for 235 cases. For federal FY 2013 (beginning October 1, 2012), we closed 201 co-filed cases. Our contract with EEOC for FY13 was for 199 cases. For federal FY14 (beginning October 1, 2013), we have closed 92 co-filed cases; our contract is as yet unknown.

HUD – For FY12, according to HUD Project Director Angela Lovegrove, we took in 40 new housing charges, 37 of which were co-filed with HUD. Within this same time period, we processed 45 housing charges, 43 of which were co-filed with HUD. For FY13 (July 1, 2012 through June 30, 2013), we took in 51 new housing charges, all of which were co-filed with HUD. Within this same time period, we processed 50 cases, 47 of which were co-filed with HUD. For FY14 (beginning July 1, 2013), we have taken in 29 new housing charges, 28 of which are co-filed with HUD. Within this same time period, we

have processed 33 cases, 32 of which were co-filed with HUD (three of these processed cases were post-PC conciliations).

HUD APPROVES TWO PARTNERSHIP PROPOSALS – The Commission recently was advised that HUD approved our applications for Partnership Funds for two fair housing projects. The first grant, for approximately \$56,000, is for a targeted outreach (including development of training/education materials) to the LGBT community and victims of domestic violence. The second grant, for \$2,650.00, will be used to plan and conduct a seminar on mortgage lending discrimination and predatory lending in the month of April 2014; the event will be open to the public with invitations to groups including the RI Association of Realtors and local financial institutions. On March 17, former Investigator Susan Pracht began a nine-month position as Community Liaison Specialist overseeing the implementation of the LGBT/Domestic Violence grant.

III. PERSONNEL

No new information.

IV. OUTREACH – Refer to attached report.

V. GENERAL STATUS

●Meetings with staff members – I continue to meet monthly with individual investigative staff members to monitor case

production.

●Case Closures – Refer to attached report.

We ended FY 2012 slightly behind the prior fiscal year's case processing rate. In FY 2011, we processed 422 cases; in FY 2012, we processed 411 cases (approx. 3.5% decrease). For FY13, we processed 389 cases (approx. 5% decrease from FY12). For FY14 (beginning July 1, 2013), we have processed 235 cases (compare to 238 cases in this same time period in FY13).

●Aged Cases – There are no aged cases in the Commission's inventory for federal fiscal year 2014 (beginning October 1, 2013).

●Overall Case Inventory – The Commission had over 1000 cases in its inventory at the end of FY 1998. We ended FY11 with 323 cases in inventory, FY12 with 255 cases, and FY13 with 265 cases. As of 3/20/14, we had a total of 297 cases in inventory; 26 of these cases were pending assignment.

●Performance Management Initiative – The Governor's Performance Management Team has noted that the Commission is one of the only state agencies that consistently complies with the Performance Management Directive in a complete/timely manner. I met with the Performance Management Team on March 11 at the Dept. of Administration/ OMB. The Team was generally pleased with the Commission's performance.

Respectfully submitted,

Michael D. Évora

Executive Director

Attachments